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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,073	06/21/2001	Bobby R. Brady	RD8005 US NA	5946

23906 7590 04/26/2004

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,073	Applicant(s) BRADY ET AL.	
	Examiner Joseph S. Del Sole	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeck et al (6,146,566).

Beeck et al teach a steam blanketing apparatus, that corresponds to the instant apparatus, for blanketing the face of a spinneret with gas which includes a spinneret pack body 6 including a spinneret plate 10 having a lower face with an orifice array through which filaments are extruded and an upper body portion; a spin head 1 surrounding the spinneret pack body 6 wherein the spin head includes a plate extending below the spinneret pack body (structure of Fig 1 with "x" cross hatching); an annular space disposed between the interior walls of the spin head and the spinneret pack body (Fig 1, groove #7 creates a space annularly around the spinneret pack body); an external supply source of gas (Fig 1, #3) to supply steam into the annular space, such that the steam flows in the annular space around the spinneret pack body; a steam distribution ring abutting the spin head having a groove 8 and an inner edge 9, the ring surrounding the array, the steam distribution ring including a skirt portion generally perpendicular to the distribution ring (fig. 1, the outer edge portion of the distribution ring is a skirt portion that is perpendicular to the bottom face of the distribution ring) and situated to deflect the flow of steam from the annular space toward the spinneret orifice array (Fig 1), and the steam distribution ring is located in a counterbore formed in the spin head plate (see figs. 1 and 2).

Beeck et al fails to teach the steam distribution ring being removably mounted to the spin head without removing the spinneret pack body from the spin head and also fails to teach the plate being metallic.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Beeck et al such that the ring is

removably mounted to the spin head without removing the spinneret pack body from the spin head because the fact that a structure is integral does not preclude its consisting of various elements, Nerwin v. Erlichman, 168 USPQ 177; Howard v. Detroit Stove Works, 150 U.S. 164 and it would have been obvious to have made out of metal the plate because the use of metal as the material of which the plate is made, the selection being on the basis of suitability for the intended use, would be readily determined by routine experimentation in an effort to produce the optimum results absent a showing of unexpected. In re Boesch and Slaney, 205 USPQ 215 (CCPA 1980).

Response to Arguments

5. Applicant's arguments filed 3/31/04 have been fully considered but they are not persuasive.

The Applicant argues that Beeck fails to teach or suggest an annular space and that Beeck's use of a circular, horizontally positioned groove to redirect air passed downward through the spinneret nozzle by two helical grooves.

The Examiner disagrees. By its nature, the groove is a space annularly located between the spin head and spinnerette pack. As claimed, there is no structural differentiation between the Applicant's invention and the invention of Beeck.

The Applicant argues that Beeck fails to teach or suggest the spinneret pack body and a removably mounted steam distribution ring situated to deflect the flow of steam from the annular space toward the orifice array.

The Examiner disagrees. As discussed above, it would have been obvious to have the steam distribution ring taught by Beeck being removable in order to optimize

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results. Removing the ring makes cleaning easy and cheaper, reducing the possibility of damage which is likely to be costly to repair or replace. The distribution ring of Beeck is situated to deflect the flow of steam from the annular space toward the orifice array.

The Applicant argues that Ferrier fails to teach or suggest the invention of claims 1 and 3.

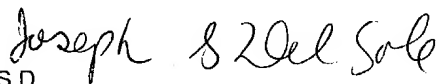
The examiner agrees and such rejections are not present in this Office action.

Correspondence

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).


J.S.D.
April 21, 2004